

DEFINITION OF CHILD AND PARENT IN INA

CHILD: as used in Titles I & II

SEC. 101(b)(1)

The term ‘child’ means an unmarried person under twenty-one years of age who is -

- (A) *a child born in **wedlock**;*
- (B) *a **stepchild**, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred;*
- (C) *a child **legitimated** under the law of the child’s residence or domicile, or under the law of father’s residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation;*
- (D) *a child born **out of wedlock**, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother or to its natural father if the father has or had a bona fide parent-child relationship with the person;*
- (E)
 - (i) *A child adopted while under the age of sixteen years if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years: **Provided** that no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or*
 - (ii) *subject to the same proviso as in clause (i), a child who:*
 - (I) *is the natural sibling of a child described in clause (i) or subparagraph (F)(i);*
 - (II) *was adopted by the adoptive parent or parents of sibling described in such clause or subparagraph; and*
 - (III) *is otherwise described in clause (i) except that the child was adopted while under the age of 18 years*
- (F) (i) *A child under age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b) of this title, who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is*

*incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, is any, of the child's proposed residence: **Provided** that the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States: **Provided further**, That no natural parent or prior adoptive parent or any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act, or*

(ii) *subject to the same provisos as in clause (i), a child who:*

- (I) *is a natural sibling of a child described in clause (i) or subparagraph (E) (i)*
- (II) *has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph: and*
- (III) *is otherwise described in clause (i), except that the child is under the age of 18 at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 201(b)*

PARENT

SECTION 101(b)(2):

*The term ‘parent’, ‘father’, or ‘mother’ means a parent, father, or mother only where the relationship exists by reason of any of the circumstances set forth in (1) above, **except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of a child born out of wedlock described in paragraph (1)(D) (and not described in paragraph (1)(C), the term ‘parent’ does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.***

CHILD: as used in Title III (NATURALIZATION)

SEC. 101(c)(1)

*The term "**child**" means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in the United States or elsewhere, and except as otherwise provided in sections 320 and 321 of title III, a child adopted in the United States, if such legitimation or adoption takes place before the child reaches the age of 16 years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1)), and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimation or adoption.*

:Sec 322, 8 U.S.C. 1433

- (a) *A parent who is a citizen of the United States may apply to the Attorney General for a certificate of citizenship on behalf of a child born outside the United States. The Attorney General shall issue such a certificate of citizenship upon proof to the satisfaction of the Attorney General that the following conditions have been fulfilled:*
- (1) *At least one parent is a citizen of the United States, whether by birth or naturalization.*
 - (2) *The child is physically present in the United States pursuant to a lawful admission.*
 - (3) *The child is under the age of 18 years and in the legal custody of the citizen parent.*
 - (4) *If the citizen parent is an adoptive parent of the child, the child was adopted by the citizen parent before the child reached the age of 16 years (except to the extent that the child is described in clause (ii) of subparagraph (E) or (F) of section 101(b) (1) and the child meets the requirements for being a child under either of such subparagraphs.*
 - (5) *If the citizen parent has not been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years –*
 - (A) *the child is residing permanently in the United States with the citizen parent, pursuant to a lawful admission for permanent residence, or*
 - (B) *a citizen parent of the citizen parent has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.*
- (a) *Upon approval of the application (which may be filed abroad) and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for*

naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General with a certificate of citizenship.

Subsection (a) of this section shall apply to the adopted child of a United States citizen adoptive parent if the conditions specified in such subsection have been fulfilled.